

City Council Introduction: **Monday**, January 12, 2004  
Public Hearing: **Monday**, January 26, 2004, at **5:30 p.m.**

Bill No. 04R-7

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 2043**, requested by Papke's, Inc., for authority to sell alcoholic beverages for consumption on the premises, on property located at 6112 Havelock Avenue.

**STAFF RECOMMENDATION:** Conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 12/10/03  
Administrative Action: 12/10/03

**RECOMMENDATION:** Conditional approval (7-0: Carlson, Duvall, Krieser, Larson, Marvin, Bills-Strand and Taylor voting 'yes').

### **FINDINGS OF FACT:**

1. The staff recommendation to approve this request for authority to sell alcoholic beverages for consumption on the premises, with conditions, is based upon the "Analysis" as set forth on p.3-4, concluding that the licensed premises complies with all the applicable criteria for a special permit for the sale of alcohol, including being located in excess of 100' away from a residence, a residential district and a day care facility. This request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan.
2. On December 10, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. On December 10, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated November 26, 2003. The conditions of approval are found on p.4-5.
4. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied, and the revised site plan is found on p.8.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** January 5, 2004

**REVIEWED BY:** \_\_\_\_\_

**DATE:** January 5, 2004

**REFERENCE NUMBER:** FS\CC\2004\SP.2043

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

### for December 10, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #2043

**PROPOSAL:** To allow the sale of alcoholic beverages for consumption on the premises.

**CONCLUSION:** The licensed premises complies with all the applicable criteria for a special permit for the sale of alcohol, including being located in excess of 100' away from a residence, a residential district, and a day care facility. This request complies with the requirements of the Zoning Ordinance and Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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#### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 15, Block 15, Havelock, Lincoln, Lancaster County, Nebraska

**LOCATION:** 6112 Havelock Avenue

**EXISTING ZONING:** B-3 Commercial

**EXISTING LAND USE:** Commercial

#### **SURROUNDING LAND USE AND ZONING:**

North:	Residential	B-3
South:	Commercial	B-3
East:	Commercial	B-3
West:	Commercial	B-3

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates commercial land uses in this area

#### **BACKGROUND:**

The premises is located in the original Havelock business district, one building east of the Joyo Theater. The building most recently housed a restaurant, but is currently vacant. This request is to allow the sale of alcohol for consumption on the premises to accommodate a bar. The applicant states that no food will be made at the establishment.

## **ANALYSIS:**

### **1. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680:**

Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions, which may be waived by the City Council:

**(a) Parking shall be in accordance with LMC Section 27.67.020.**

Three off-street parking spaces are required for this use based upon floor area. This parking area must also be paved. This parking area is not clearly shown on the plan, and it must be revised to show this parking area in accordance with LMC Section 27.67.020.

**(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under LMC Section 27.63.685 of this code.**

This application is for a special permit to allow the sale of alcohol for consumption on the premises. The sale of alcoholic beverages off the premises is not a part of this proposal and is not being requested.

**©) The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.**

The premises is located more than 100' from a residence, a residential district, or day care facility. The nearest residence is approximately 176' away to the northwest; the nearest residential district is approximately 400' away to the southwest; and, there is no known day care facility in the vicinity.

**(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.**

No additional lighting is proposed as part of this request.

**(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.**

A drive-through window is not being proposed.

**(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.**

No such devices are proposed with this special permit.

**(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.**

Neither the front nor rear doors of the premises are within 150' of a residential district, the nearest of which is in excess of 400' away.

**(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.**

No residential streets are used to access this site.

**(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.**

**(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:**

- (1) Revocation or cancellation of the liquor license for the specially permitted premises; or**
- (2) Repeated violations related to the operation of the permittee's business.**

**Planning Commission review and City Council approval is required for this use.**

## **2. DEPARTMENT RESPONSES:**

**POLICE:** The Police Department does not object to this request.

**PUBLIC WORKS:** Public Works and Utilities does not object to this request.

### **CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 A paved parking area that provides at least three parking spaces.

1.1.2 The building clearly defined as the licensed premises.

2. This approval permits the sale of alcohol for consumption on the premises at 6112 Havelock Avenue.

General:

3. Before the sale of alcohol for consumption on the premises, the parking lot shall be paved to City Design Standards.

Standard:

4. The following conditions are applicable to all requests:
  - 4.1 Before the sale alcohol for consumption on the premises all development and construction is to comply with the approved plans.
  - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will  
Planner  
November 26, 2003

**APPLICANT**                      Papke's, Inc.  
4806 West Vosler Street  
Lincoln, NE 68524    (402) 770-5002

**OWNER:**                      Michael and Angie Murphy  
1819 Pepper Avenue  
Lincoln, NE 68502

**CONTACT:**                      Nick Papke  
4806 West Vosler Street  
Lincoln, NE 68524    (402) 770-5002

## **SPECIAL PERMIT NO. 2043**

### **CONSENT AGENDA**

### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

### **BEFORE PLANNING COMMISSION:**

December 10, 2003

Members present: Carlson, Duvall, Krieser, Larson, Marvin, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3430; USE PERMIT NO. 57D; SPECIAL PERMIT NO. 2044; COUNTY SPECIAL PERMIT NO. 189A; SPECIAL PERMIT NO. 2041; SPECIAL PERMIT NO. 2043; COUNTY SPECIAL PERMIT NO. 204, FINIGAN 2<sup>ND</sup> ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 2031, FINIGAN 2<sup>ND</sup> ADDITION COMMUNITY UNIT PLAN; CITY/COUNTY PRELIMINARY PLAT NO. 03007, FINIGAN SECOND ADDITION; and COUNTY FINAL PLAT NO. 03062, CEDAR GROVE ESTATES.**

**Item No. 1.1a, Change of Zone No. 3430; Item No. 1.1b, Use Permit No. 57D; Item No. 1.1c, Special Permit No. 2044; Item No. 1.2, County Special Permit No. 189A; Item No. 1.5a, County Special Permit No. 204; Item No. 1.5b, Special Permit No. 2031 and Item No. 1.1c, City/County Preliminary Plat No. 03007** were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Duvall and carried 7-0: Carlson, Duvall, Krieser, Larson, Marvin, Bills-Strand and Taylor voting 'yes'.



## Special Permit #2043 N. 61st & Havelock Ave.

2002 aerial

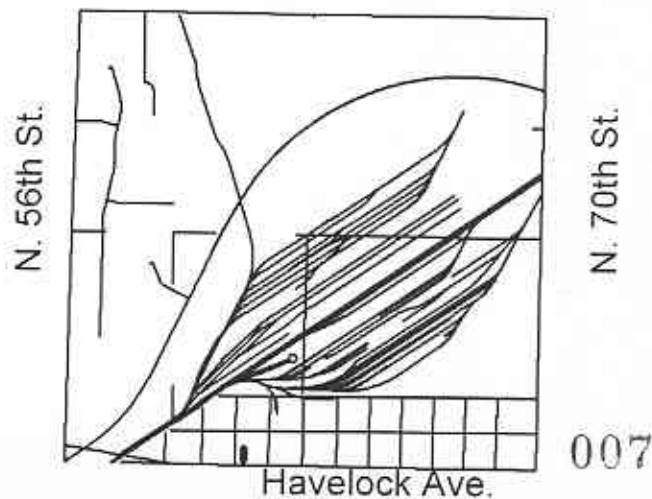
### Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 4 T10N R7E



Fletcher Ave.

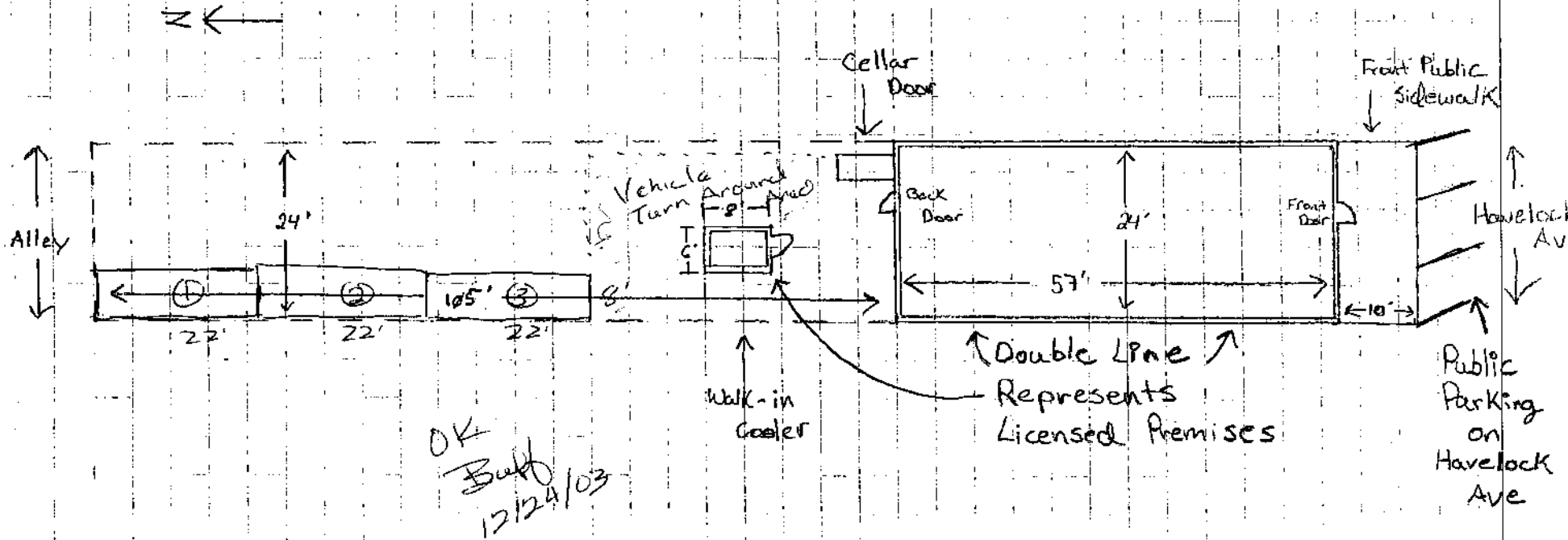


RECEIVED  
 DEC 24 2003  
 LINCOLN / LANCASTER COUNTY  
 PLANNING DEPARTMENT

Lot 15, Block 15, Havelock, Lincoln, Lancaster County, Nebraska

Each square represents 5'

Dotted Lines - Represent property line and employee parking



800



### **Purpose of Application**

Papke's Inc. will be applying for this special permit in order to obtain a liquor license. At the location of 6112 Havelock Ave we would like to sell beer, wine, and spirits to the public with in our establishment. We will be providing a sports atmosphere for the public to come and enjoy beer, wine, and spirits. No food will be made at our establishment.



**MICHAEL WOOLMAN**  
**<lpd737@CJIS.CI.LINC**  
**OLN.NE.US>**

11/20/2003 12:52 PM

To: Brian Will <BWill@ci.lincoln.ne.us>  
cc:  
Subject: Papke #2043

Mr. Will,

The Lincoln Police Department does not object to the Papke Alcohol Sales Special Permit #2043.

Sergeant Michael Woolman  
Lincoln Police Department

# M e m o r a n d u m

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**To:** Brian Will, Planning Dept.

**From:** Bruce Briney, Public Works and Utilities

**Subject:** Special Permit #2043, Papke's Inc., 6112 Havelock Avenue  
Alcohol Sales Special Permit

**Date:** November 26, 2003

**cc:** Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit #2043, Alcohol Sales for Papke's Inc., 6112 Havelock Avenue. Public Works has no objection to the application.